

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
:
GABRIEL MARTINEZ, :
:
Plaintiff, : 15-CV-02749 (JG)
:
v. :
:
SANSOOGAPSAN II, INC., et al., : 225 Cadman Plaza East
:
Defendants. : Brooklyn, New York
:
-----X
September 30, 2015

TRANSCRIPT OF CIVIL CAUSE FOR DISMISSAL OF THE CASE
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES CHIEF MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: RAQUEL GUTIERREZ, ESQ.
Michael Fallace and Associates
60 East 42nd Street
New York, New York 10165

For the Defendant: JONATHAN LOVI, ESQ.
Steptoe & Johnson LLP
1114 Avenue of the Americas
New York, New York 10036

For other Defendants: DOUGLAS LaBARBERA, ESQ.
Worth, Longworth and London LLP
111 John Street, Suite 640
New York, New York 10038

Court Transcriber: SHARI RIEMER, CET-805
TypeWrite Word Processing Service
211 N. Milton Road
Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 (Proceedings began at 9:37 a.m.)

2 THE COURT: So it's Martinez v. Sansoogapsan II.
3 It's 15-CV-2749. For the plaintiff.

4 MS. GUTIERREZ: Raquel Gutierrez on behalf of the
5 plaintiff, Your Honor.

6 THE COURT: Good morning. For defendant.

7 MR. LOVI: John Lovi from Steptoe & Johnson on behalf
8 of defendant.

9 THE COURT: So you can all just stay seated. When
10 you're speaking use the microphones.

11 So this has been getting messier and messier. Where
12 are we at now? Have you heard from your client?

13 MS. GUTIERREZ: We have not heard from our client,
14 Your Honor. There's been no movement on our end.

15 THE COURT: What efforts did you take to reach out to
16 your client?

17 MS. GUTIERREZ: We sent the letter -- I'm sorry, your
18 last order by certified mail along with my letter to the Court
19 and never received phone calls back from the initial calls
20 that we made beyond the one phone call where he -- we did
21 actually reach the client on the phone and he told us that he
22 was no longer interested in continuing with the case which
23 happened before the letter went into the Court.

24 THE COURT: Got it. So you want to withdraw. That's
25 your letter from September 8th on the docket at 17.

1 MS. GUTIERREZ: Yes. Without actually anything in
2 writing from our client I don't think it's appropriate for us
3 to ask for a flat out dismissal so we are seeking to withdraw.

4 THE COURT: Okay. For defendant.

5 MR. LOVI: We would like to have dismissal without
6 prejudice of the case. If the plaintiff wishes to restart
7 this case we wouldn't be prejudiced in that regard but my
8 client wouldn't have this hanging over his head.

9 THE COURT: Right. Okay. So procedurally we can
10 grant the motion to withdraw because if you don't have client
11 you can't do anything with that person. On the dismissal it's
12 the District Judge who would grant that. So I'll do a brief
13 report and recommendation but I think it would be best if
14 Judge Gleeson would let the case be dismissed without
15 prejudice and if the client reappears -- I don't know what you
16 would do but to -- either the Court or another lawyer comes to
17 court then we'll deal with it then.

18 MR. LOVI: Okay, Your Honor.

19 MS. GUTIERREZ: Okay. Just a question. You would
20 prefer that as opposed to us just consenting to your
21 jurisdiction?

22 THE COURT: Since you're not --

23 MS. GUTIERREZ: That's not. No, we're no longer --

24 THE COURT: I mean you're not counsel and even if you
25 did it would be a little -- I don't know if you really want

1 to. I don't know --

2 MS. GUTIERREZ: No, it's too late for that I guess.

3 THE COURT: -- how much he's participating in this
4 whole thing.

5 MS. GUTIERREZ: Right. So it will really be up to --

6 THE COURT: Judge Gleeson.

7 MS. GUTIERREZ: Got it.

8 THE COURT: Anything else?

9 MR. LOVI: No, Your Honor.

10 THE COURT: Thank you.

11 MS. GUTIERREZ: Thank you.

12 (Proceedings concluded at 9:41 a.m.)

13 * * * * *

14

15

16

17

18

19

20

21

22

23

24

25

1 I certify that the foregoing is a court transcript from
2 an electronic sound recording of the proceedings in the above-
3 entitled matter.



6 Shari Riemer, CET-805

7 Dated: January 12, 2016

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25